IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. REVISION APPLICATION NO. 332 OF 2004
IN
SESSION CASE NO. 193/1998

Jitendra Gangubhai Mewada .. Applicant.

V/s.

State of Maharashtra ..
Respondents.

Mr. Chorasia S.K. h/for Ms. Leela Malu for the Applicant. .
Mr. A.S. Shitole, APP for Respondent -State.

CORAM : A.S. AGUIAR, J.
DATED : 24.08.2004.

PC:-

Heard learned counsel for the Applicant and learned APP. The petitioner prays for setting aside order dated 30.07.2004 passed by the Additional Sessions Judge, rejecting his application to recall witness PW-7, as according to the Applicant an incorrect suggestion made to the accused came to be recorded in the evidence. Although the witness had given an affirmative answer, the answer came to be recorded in the negative as follows :-

"It is not true to say that I have signed readymade panchanama as Police Station".

The application for recall of the witness has been rejected by Sessions Judge on the ground of delay as learned Advocate for the Petitioner/ applicant has failed to apply for early correction, despite several dates having elapsed after the date on which the suggestion was recorded i.e. on 09.06.2004. The impugned order, however, does not state whether the suggestion has been correctly or incorrectly recorded. The learned APP points out that the entire evidence has now been recorded and prosecution has closed its case. The accused has not applied for summons to examine any witness in her defence. We see no reason to interfere with the order of the Sessions Court. Hence, Petition dismissed and disposed of accordingly.

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